

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

-against-

DAVID L. JOHNSON,

Defendant.

No. 09-cv-4826 (SCR) (LMS)

*Full paid  
\$2455.00  
E685883*

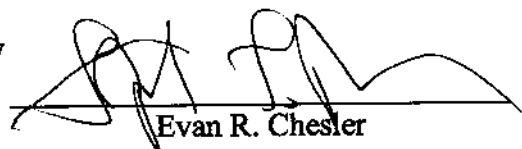
**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that plaintiff INTERNATIONAL BUSINESS  
MACHINES CORPORATION hereby appeals to the United States Court of Appeals for  
the Second Circuit from each and every part of the annexed Memorandum Decision and  
Order of this Court entered June 26, 2009.

June 26, 2009

CRAVATH, SWAIN & MOORE LLP

By



Evan R. Chesler  
(EChesler@Cravath.com)  
Stephen S. Madsen  
(SMadsen@Cravath.com)  
Members of the Firm

Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019  
(212) 474-1000

*Attorneys for Plaintiff International  
Business Machines Corporation*